

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

AGA MEDICAL CORPORATION,

Plaintiff,

v.

W. L. GORE & ASSOCIATES, INC.,

Defendant.

)
) Civil 10-3734 (JNE/JSM)
)

) **DECLARATION OF**
) **KEVIN P. WAGNER**
)

I, Kevin P. Wagner, declare as follows:

1. I am an attorney with the law firm of Faegre Baker Daniels LLP and counsel for Defendant W. L. Gore & Associates, Inc. (“Gore”) in the above-referenced matter. I submit this declaration in support of Gore’s Response to AGA’s Motion to Exclude Certain Testimony Offered by Mr. Donald A. Gorowsky.

2. Attached hereto as **Exhibit A** (FILED UNDER SEAL) is a true and correct copy of excerpts from the Expert Report of Dr. Timothy J. Nantell, dated January 14, 2013.

3. Attached hereto as **Exhibit B** (FILED UNDER SEAL) is a true and correct copy of excerpts from the transcript of the deposition of Timothy Nantell, taken March 1, 2013.

4. Attached hereto as **Exhibit C** is a true and correct copy of excerpts from the Transcript of Civil Motion held on February 14, 2013.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: May 1, 2013

/s/ Kevin P. Wagner

Kevin P. Wagner